UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,407	04/06/2001	Hiroaki Adachi	450100-03127	5169

20999   7590   08/06/2007
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER
SHIBRU, HELEN

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
08/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 July 2007</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 07/26/2007 has been entered.

Response to Arguments

2.   Applicant's arguments filed 05/22/207 have been fully considered but they are not

persuasive.

     In response to Applicant's argument that the cited reference of Newman does not

constitute a "storage means" and Newman merely uses one storage means, 222, the Examiner

disagrees. As stated on the advisory action, Newman discloses the system loads previously

captured hypermedia portions from the storage 222 and places them into a storyboard. Hence the

storage 222 and the storyboard are not one storage means. Newman clearly indicates the

hypermedia portions are stored in the storyboard. Newman discloses a consumer edits the image,

see fig. 5, where it shows the dual path to and from the storage 222. Newman further discloses

the bus 214 transfer data and address among compression engine 212, the media editor 210, the

processor 218 and the storage 222. In addition the claim does not specifically recite the first and

the second storages are physically different. Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims.

The claimed invention does in fact read on the cited references for at least the reasons

discussed above and as stated in the detail Office Action as follows.

Claim Objections

3.   Claim 8 is objected to because of the following informalities: a period is inserted on line

5 in the middle of limitations. Appropriate correction is required.

Claim 16 is objected to because of the following informalities: the pronoun 'that' is

omitted between 'frames' and 'are'. Appropriate correction is required. The Examiner reads the

limitation as '…video frames that are used….' and rejected claim 16 under 35 U.S.C. 112

second. See below.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claims 8 and 16 are recites the limitation " video frames **that are used**" in claim 8 line 7

and in claim 16 line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

7.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman

(US Pat. No. 6,154,600) in view of Bruls (US Pat. No. 6,535,252).

Regarding claim 1, Newman discloses a video editing device (see fig. 1 and fig. 5) for

use with a recording and playing device operable to allow video material recording and playback

and to allow non-linear editing of the video material (see col. 6 lines 13-24 and col. 7 lines 25-

48), comprising:

frame processing (see fig. 5 non-linear editor (200)) means for retrieving a video frame

that is a basic construction unit of the video material from said recording and playing device,

which stores video material to be edited and for performing frame processing on the retrieved

video frame (see col. 7 lines 49-66 and col. 8 lines 20-46); wherein frame processing means

comprises:

at least one image processing means for predetermined image processing on individual

video frames (see fig. 5 and 6B and col. 7 lines 49-66 and col. 8 lines 20-46 and fig. 13 fine

editing in storyboard (556), modify transition (558), and add graphics and audio overlays (560));

first storage (see fig. 13 place shots in storyboard (552)) means interposed between said

recording and playing device and said frame processing means (the video frames are stored in

the first storyboard from record shots (552) and edited in fine editing in storyboard (556), modify

transition (558), and add graphics and audio overlays (560) in fig. 13. The storyboard is a

working portion of the media buffer (216) in fig. 5 and see col. 16 line 65-col. 17 line 16); and

second storage means (see fig. 13, another storyboard) interposed between each of a

plurality of said frame processing means (see col. 16 lines 45-col. 17 lines 18. The tasks are

inter-cyclical and the consumer can create another storyboard. See also fig. 9-12 and col. 14 line

40-col. 16. The video data is processed and store in buffer and process it again from the buffer),

control means for controlling said frame processing means such that at least two types of

frame processing (see fig. 14 transitions (596), effects (598), paint box (600), drawing (602),

character generator (604), video underlay (606), still photo underlay (608), graphics (594)) by

staid frame processing means are performed upon the retrieved video frame in parallel (see col. 9

line 1-col. 10 line 47, col. 11 lines 1-39, col. 14 lines 10-39, col. 17 lines 19-35, fig. 6B, and

abstract), and

frame storage means for storing a plurality of video frames after said frame processing

means completes all frame processing frame-by-frame upon the plurality of video frames and for

sequentially outputting the plurality of video frames (see fig. 13 master storyboard to tape and

col. 17 lines 5-18); whereby the video frames are output from said frame storage means in real-

time (see col. 11 lines 16-62).

Claim 1 differs from Newman in that the claim further requires an output module that

receives from an image conversion object a buffer address indicating where the retrieved video

frame is stored and the corresponding time code.

In the same field of endeavor, Bruls discloses a device for receiving, storing and

displaying television images. Bruls discloses a television that receives a buffer address and a

corresponding time code (see col. 9 lines 23-54). Therefore in light of the teaching in Bruls it

would have been obvious to one of ordinary skills in the art at the time the invention was made

to modify Newman by providing a buffer address and a corresponding time code in order to read

the selected image from the buffer.

Claim 1 further differs from Newman and Bruls in that the claim further requires a video

editing device for use with a computer readable recording and playing device. Although

Newman's system does not require the use of computing device, Newman discloses in the

admitted prior art that non-linear editing on computer oriented system is well known in the art

and involves digitizing analog media data recorded from a linear source and storing the data on a

storage device such as magnetic disk drive (see col. 1 lines 23-38). Newman further provided

prior arts that teaches non-linear editing of a video material using computer readable recording

and playing device (see col. 1 lines 39-65). Therefore it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use computer readable recording

and playing device to edit video material. The motivation for having recordable and reproducible

by a computer is that such a method can be easily enhanced and executed multiple times.

Regarding claim 2, Newman discloses said control means causes frame processing by

said frame processing means to be performed in non-real-time manner (see col. 11 lines 31-62).

Regarding claim 3, Newman discloses control means controls (see fig. 6A and 6B) said

recording and playing device, said first and second storage means, and each of the frame

processing means such that at least two types of processing of video frames between said

recording and playing device (see col. 8 line 48-col. 9 and col. 10),

said first storage means, said second storage means (see col. 15 lines 3-55), and image

processing on video frames in each of said image processing means are performed in parallel

(see col. 8 lines 48-67), and further controls said frame storage means such that the plurality of

video frames a stored in said frame storage means in no special order are output in a

predetermined order (see col. 12 line 55-col. 13 line 4).

Regarding claim 4, Newman discloses input means for inputting an editing schedule

along a time axis (see abstract);

with said control means creating processing management data representing a dependency

relationship between the kind of frame processing performed on each video frame and each

frame processing based on the editing schedule input through said input means (see col. 9 line

31-col. 10 line 24), and

controlling said frame processing means operable to be executed based on said

processing management data (see col. 10 lines 49-67).

Regarding claim 5, Newman discloses control means stores a plurality of said created

processing management data (see col. 9 lines 1-31);

selects executable frame processing from said plurality of stored processing management

data (see col. 11 line 63-col. 12 line 30); and

controls said frame processing means in order to execute said selected frame processing

(see col. 12 line 56-col. 13 line 35).

Regarding claim 6, Newman discloses control means defers execution of readout

processing when said selected executable frame processing is processing for reading out a video

frame from said recording and playing device (see fig. 7-8 and 13, and col. 13 line 36-col. 14 line

39 and col. 17 lines 5-17), and

selects a plurality of sequential video frames from video frames to be read out at the time

when a plurality of said deferred-execution read-out processing are gathered and then reading out

the plurality of selected video frames from said recording and playing device for storage in said

first storage means (see col. 9 lines 32-67 and fig. 13).

Regarding claim 7, Newman discloses image processing means comprising:

a first image processing portion constructed by hardware (see abstract and col. 18 lines 30-59); and

a second image processing portion constructed by software (see abstract, col. 17 lines 19-30 and col. 18 lines 30-59).

Regarding claim 8, Newman discloses a video editing device (see fig. 1 and fig. 5) for use with a recording and playing device operable to allow video material recording and playback and to allow non-linear editing of the video material (see col. 6 lines 13-24 and col. 7 lines 25-48), comprising the steps of :

ʹretrieving a video frame that is a basic construction unit of the video material from said recording and playing device, which stores video material to be edited and for performing frame processing on the retrieved video frame (see col. 7 lines 49-66 and col. 8 lines 20-46);

storing video frames that are used (see claim rejection 1 above);

said frame processing step comprises:

at least one image processing step for performing predetermined image processing on individual video frames (see claim rejection 3 above);

a first writing step for writing video frames to a memory (see claim 1 rejection above); a first read-out step for reading out video frames from said memory and providing them to any of image processing steps (see rejection of claim 1 and fig. 13);

a second writing step for writing video frames processed at said frame processing step and then writing them in said second memory (see rejection of claim 1 above);

a second read-out step for reading out video frames from said second memory and

providing the video frames in any of the image processing steps (see rejection of claim 1 above),

controlling said frame processing means such that at least two types of frame processing

(see fig. 14 transitions (596), effects (598), paint box (600), drawing (602), character generator

(604), video underlay (606), still photo underlay (608), graphics (594)) by staid frame processing

means are performed upon the retrieved video frame in parallel (see col. 9 line 1-col. 10 line 47,

col. 11 lines 1-39, col. 14 lines 10-39, col. 17 lines 19-35, fig. 6B, and abstract), and

storing a plurality of video frames after said frame processing means completes all frame

processing frame-by-frame upon the plurality of video frames (see fig. 13 master storyboard to

tape and col. 17 lines 5-18); and

outputting sequentially the said plurality of stored video frames in real-time (see col. 11

lines 16-62 and col. 17 lines 5-18).

Claim 8 differs from Newman in that the claim further requires an output module that

receives from an image conversion object a buffer address indicating where the retrieved video

frame is stored and the corresponding time code.

In the same field of endeavor, Bruls discloses a device for receiving, storing and

displaying television images. Bruls discloses a television that receives a buffer address and a

corresponding time code (see col. 9 lines 23-54). Therefore in light of the teaching in Bruls it

would have been obvious to one of ordinary skills in the art at the time the invention was made

to modify Newman by providing a buffer address and a corresponding time code in order to read

the selected image from the buffer.

Claim 8 further differs from Newman and Bruls in that the claim further requires a video

editing device for use with a computer readable recording and playing device. Although

Newman's system does not require the use of computing device, Newman discloses in the

admitted prior art that non-linear editing on computer oriented system is well known in the art

and involves digitizing analog media data recorded from a linear source and storing the data on a

storage device such as magnetic disk drive (see col. 1 lines 23-38). Newman further provided

prior arts that teach non-linear editing of a video material using computer readable recording and

playing device (see col. 1 lines 39-65). Therefore it would have been obvious to one of ordinary

skill in the art at the time the invention was made to use computer readable recording and

playing device to edit video material. The motivation for having recordable and reproducible by

a computer is that such a method can be easily enhanced and executed multiple times.

Claim 9 is rejected for the same reason as discussed in claim 2 above.

Regarding claim 10, Newman discloses at least two types of frame processing are

performed at said first and second writing steps, said first and second read-out steps, and said

image processing steps are performed in parallel, and the plurality of the video frames stored at

said frame storage step in no special order are output in a predetermined order at said frame

output step (see fig. 9-13 and claim rejection 3).

Claims 11-14 are rejected for the same reasons as discussed in claims 4-7 respectively

above.

Regarding claim 15, the limitation of claim 15 can be found in claim 1 above. Therefore

claim 15 is analyzed and rejected for the same reasons as discussed in claim 1 above.

Regarding claim 16, Newman discloses a video editing method for editing source video data recorded on a recording medium, comprising the steps of:

playing said source video data in frames and performing frame processing on said played frame video data (see col. 8 lines 27-46);

first and second storage means which can store video frames are used (see claim rejection 1 above);

said frame processing step comprises:

at least one image processing step for performing predetermined image processing on individual video frames (see claim rejection 3 above);

a first writing step for reading out video frames from said recording and playing device and writing them in said first storage means (see claim 1 rejection above); a first read-out step for reading out video frames from said first storage means and providing them to any of image processing steps (see rejection of claim 1 and fig. 13);

a second writing step for reading out video frames processed at said frame processing step and then writing them in said second storage means (see rejection of claim 1 above);

a second read-out step for reading out video frames from said second storage means and providing the video frames in any of the image processing steps (see rejection of claim 1 above),

storing the frame video data on which said frame processing is completely performed and outputting said stored frame video data as output video data (see fig. 13); and

controlling said frame processing such that each frame of said output video data is real-time video data (see col. 11 lines 16-62);

wherein at least two types of frame processing are performed in parallel on a frame-by-frame basis upon a single played video frame (see fig. 14 transitions (596), effects (598), paint box (600), drawing (602), character generator (604), video underlay (606), still photo underlay (608), graphics (594), col. 8 lines 48-67, col. 9 line 1-col. 10 line 47, col. 11 lines 1-39, col. 14 lines 10-39, col. 17 lines 19-35, fig. 6B, and abstract).

In the same field of endeavor, Bruls discloses a device for receiving, storing and displaying television images. Bruls discloses a television that receives a buffer address and a corresponding time code (see col. 9 lines 23-54). Therefore in light of the teaching in Bruls it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Newman by providing a buffer address and a corresponding time code in order to read the selected image from the buffer.

Claim 16 further differs from Newman and Bruls in that the claim further requires a video editing device for use with a computer readable recording and playing device. Although Newman's system does not require the use of computing device, Newman discloses in the admitted prior art that non-linear editing on computer oriented system is well known in the art and involves digitaizing analog media data recorded from a linear source and storing the data on a storage device such as magnetic disk drive (see col. 1 lines 23-38). Newman further provided prior arts that teaches non-linear editing of a video material using computer readable recording and playing device (see col. 1 lines 39-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use computer readable recording and playing device to edit video material. The motivation for having recordable and reproducible by a computer is that such a method can be easily enhanced and executed multiple times.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329.

The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, THAI TRAN can be reached on (571) 272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
August 1, 2007

MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600
for Thai Tran